

## University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

2-8-1879

# On the Case of Col. Collins

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

S. Rep. No. 736, 45th Cong., 3rd Sess. (1879)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1879.—Ordered to be printed.

Mr. BUTLER, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 6270.]

*The Committee on Military Affairs, to whom was referred bill H. R. No. 6270, beg leave to report:*

That they have had the same under consideration, and recommend the adoption of the House report and the passage of the substitute therein recommended. There are special circumstances attending the case of Colonel Collins. Long, meritorious, gallant, and faithful service; disabilities incurred in the line of his duty; his age, poverty, and unfitness for the duties and trials of civil life; and, above all, the summary, illegal, and, as your committee submits, harsh treatment in his muster-out, all concur in making his an exceptional case. Your committee, as a rule, have declined to recommend the restoration of officers to the Army for retirement; but if not in all, certainly in a great majority of such cases, where the officers had voluntarily resigned their commissions and entered civil life of their own volition.

Your committee, therefore, do not intend hereby to establish a precedent, but to grant special relief in an exceptional case.

The following is the report of the House Committee on Military Affairs, and various documents bearing on the case are also appended.

Mr. BRAGG, from the Committee on Military Affairs, submits the following report:  
*The Committee on Military Affairs, to which was referred bill H. R. 4648, submits the following report thereon:*

The committee have carefully considered the said bill, and find, from the report of the Adjutant-General of the Army, that the bill, though general in its terms, is applicable but to one officer,

JOSEPH B. COLLINS,

late a major and brevet colonel of the United States Army.

The history and merit of this officer are well worthy of consideration, showing that merit and faithful service are sometimes, if not always, recognized in the military service; and a further recognition of them by the national legislature making provision for him in the declining years of his life cannot but result in encouraging the rank and file to follow in like paths, hoping to receive what every true soldier struggles for, recognition, at least, by the country which he imperils his life to serve.

Colonel Collins, though not bred to arms, enlisted as a private soldier, at the breaking out of the Mexican war, in 1846. His attention to duty and soldierly conduct soon caused his promotion to a non-commissioned officer. He participated in the siege and surrender of Vera Cruz and the storming and capture of Cerro Gordo, in which last battle he was wounded and lost the sight of his left eye, and was discharged by reason of disability. He was recommended by General P. F. Smith, the commanding officer of his regiment, and by his company commander, for a commission in the Regular Army, on account of gallant and soldierly conduct on the field of battle.

On the 29th of March, 1848, by reason of such recommendation, Collins was commissioned second lieutenant Fourth United States Infantry, and remained in the same regi-

ment until the latter part of June, 1865, when he was ordered to the Second Regiment, U. S. A., having been promoted thereto.

In 1859, Colonel Collins campaigned against the Indians in California and had several engagements, in all of which he was successful.

Soon after the outbreak of the rebellion he came from California with two companies of his command and one company of the Sixth United States Infantry and joined the Army of the Potomac before Yorktown, participated in the seven-days' battles before Richmond, in command of his company, and from Gaines' Mill to the battles of Malvern Hill and second Bull Run was in command of his regiment. At the last-named battle he was severely wounded, and from which he still suffers; and being unable, by reason thereof, to do field duty, he was assigned to duty as chief mustering and disbursing officer of the State of Massachusetts, and was subsequently appointed military commandant.

In 1863, he had so far recovered from his wounds as to be able to do duty in the field temporarily, and joined his regiment in New York, where it was ordered to quell riots, and while there was ordered to Milwaukee, Wis., as mustering and recruiting officer. He returned to the field in February, 1865, at City Point, and commanded his regiment (though but a captain), until after Lee's surrender, and then served for a time as provost-marshal in Richmond, Va., until he was ordered to the Second Infantry as major of that regiment, and served with it until 1869, when upon the consolidation of the Second and Sixteenth Infantry he was left unassigned, and without an opportunity to be heard, and without any reason or cause to him made known, a junior in rank to him was selected for the majority of the new regiment, made by the consolidation, and he was forced out of the service under act of July 15, 1870, by the action of the Secretary of War, without having his case submitted to the board of officers appointed under the act.

When Colonel Collins was so forced to abandon the service, there were retained, of majors who were his juniors in rank and service, seventeen of infantry, ten of artillery, and twenty-four of cavalry.

This discrimination against an officer who rose from the ranks, and who reached the grade of major, and was twice brevetted for gallant conduct on the field, and twice severely wounded, and of whom all his superiors and comrades testify that he was gallant, brave, soldierly, and in all things meritorious, does not speak well of the judgment of some of the officers authorized to carry into execution the provisions of the act of July 15, 1870.

The facts are a sufficient commentary.

Colonel Collins' wounds, in a great measure, incapacitate him from the duties of civil life. His youth and the best part of his manhood have been given his country; and it is not meet that he, or others like him entitled to consideration, should be left uncared for when they have reached the sere and yellow leaf of manhood.

The legislature of California at its last session passed a joint resolution, instructing their representatives to use their efforts to obtain justice for this officer, who was identified with her people as a protector of them from the marauding Indians who disturbed and massacred the early settlers of her territory.

The committee unanimously agree that Colonel Collins is entitled to the measure of relief provided for in this bill, but direct a special bill for his relief to be reported as a substitute for the original bill; and recommend that such substitute do pass.

---

WAR DEPARTMENT,  
*Washington City, February 7, 1879.*

SIR: I have the honor to transmit herewith the record of Maj. Joseph B. Collins, brevet colonel, late United States Army, in answer to your letter of this date. If Major Collins made any application to be appointed second lieutenant, it must have been a verbal one, as none appears of record.

Very respectfully,

GEO. W. McCRARY,  
*Secretary of War.*

Hon. GEO. E. SPENCER,  
*Chairman Military Committee, United States Senate.*

---

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*February 7, 1879.*

SIR: I have the honor to return herewith the communication of Hon. George E. Spencer, chairman Senate Committee on Military Affairs, of this date, with specific answers to the interrogatories contained therein, as follows:

1st. Joseph B. Collins first entered the military service July 9, 1846, by enlistment in Company F, Mounted Rifles; discharged May 19, 1847, for disability.

2d. He held the following commissions:

Second lieutenant, Fourth Infantry, March 29, 1848;

First lieutenant, Fourth Infantry, July 7, 1853;

Captain, Fourth Infantry, May 14, 1861;

Major, Second Infantry, January 20, 1865;

Brevet major, United States Army, June 27, 1862;

Brevet lieutenant-colonel, United States Army, August 30, 1862;

Brevet colonel, United States Army, April 9, 1865.

The records show him to have been wounded at Cerro Gordo, Mexico, April 18, 1847, and at the battle of Bull Run, August 30, 1862. The records do not show the nature of the first wound, though it appears he was discharged for disability on account of it. The wound of August 30, 1862, was reported to be a severe contusion of the thigh, from a round shot, rendering him unfit for further duty in the field at the time.

3d. He was mustered out January 1, 1871. He was not ordered before the board created by the act of July 15, 1870.

4th. It is not of record in this office that he applied, either verbally or in writing, for retention in the service, under the provisions of the act of July 15, 1870, as second lieutenant.

SAM. BRECK,  
*Assistant Adjutant-General.*

The Hon. SECRETARY OF WAR.

#### DISTRICT OF COLUMBIA, ss:

Joseph B. Collins, having been duly sworn, deposes and says: That he is the identical Joseph B. Collins who was honorably mustered out of the United States Army as a major, unassigned, January 1, 1871, General Order No. 1, Adjutant-General's office, of date January 2, 1871; that he received the above order at Circleville, Ohio, during the early part of January, 1871, and immediately came to Washington, D. C., and called upon the honorable Secretary of War, W. W. Belknap, and asked to be restored to his position in the Army, and the Secretary of War replied that he could not do it; that shortly afterwards, within the month of January, 1871, he called upon the Adjutant-General, United States Army, E. D. Townsend, and requested that he be retained in the United States Army as a second lieutenant, under the act of Congress approved July 15, 1870, and that the Adjutant-General replied that it could not be done, and gave him as a reason, and the only reason, that he should have made his application before he was mustered out; whereat the affiant replied, that he did not know that he was to be mustered out, and that as soon as he learned that he was mustered out, he came on to Washington and applied to him, the said Adjutant-General, to be reinstated and commissioned as a second lieutenant, as he was entitled to be commissioned under the twelfth section of said act of July 15, 1870; that General Townsend again replied that it was too late, that he, the affiant, should have applied before he was mustered out; and after the affiant again told him, Adjutant-General Townsend, that he had no intimation that he was to be mustered out, and could not, therefore, apply sooner, the Adjutant-General replied that the honorable Secretary of War, W. W. Belknap, had so decided; that officers could not be reinstated as second lieutenants who did not apply prior to the time when they were mustered out.

JOSEPH B. COLLINS.

Sworn and subscribed before me this 7th day of February, A. D. 1879; and I certify that the words "as a second lieutenant," on the first page hereof, were interlined before the signing thereof.

[SEAL.]

RUTLEDGE WILLSON,  
*Notary Public, D. C.*

WAR DEPARTMENT,  
*Washington City, February 28, 1878.*

SIR: I have the honor to acknowledge the receipt of your letter dated the 25th instant, inclosing Senate bill 760, "to reinstate certain officers of the United States Army," and requesting that the Committee on Military Affairs be informed what officers, if any, would fall within its provisions; and, in reply, beg to invite your attention to the report of the Adjutant-General of the Army, inclosed herewith.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,  
*Secretary of War.*

Hon. GEORGE E. SPENCER,  
*Chairman Committee on Military Affairs, United States Senate.*

## A BILL to reinstate certain officers of the United States Army

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all officers of the United States Army who served therein more than twenty years continuously, and served also during the late rebellion, and who were wounded and brevetted for gallant and meritorious services in the field and in action, and who were honorably mustered out of the service under section 12, act of July 15, 1870, be, and they are hereby, reinstated, and retired as of the date they were respectively mustered out.*

ADJUTANT-GENERAL'S OFFICE,  
February 28, 1878.

SIR: I have the honor to return herewith the letter of Hon. George E. Spencer, chairman Senate Committee on Military Affairs, dated the 25th instant, requesting for the committee information as to what persons, if any, would fall within the provisions of Senate bill 760 (providing for the reinstatement and retirement of all officers mustered out under section 12, act of July 15, 1870, who served more than twenty years, and were wounded and brevetted, &c.), and to report that Joseph B. Collins, late major of infantry, unassigned, is the only officer who would be affected by the bill should it become a law.

The military history of Major Collins, together with all the facts relating to his muster-out, &c., are set forth in reports made by this office, dated October 29, 1877, and February 4, 1878, to the Senate Military Committee. \* \* \*

I have the honor to be, very respectfully, your obedient servant,

E. D. TOWNSEND,  
Adjutant-General.

The Hon. SECRETARY OF WAR.

## RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF CALIFORNIA.

STATE OF CALIFORNIA, *Department of State.*

I, Thomas Beck, Secretary of State of the State of California, do hereby certify that I have compared the annexed copy of Senate joint resolution No. 59, chapter 56, California legislature, twenty-second session, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof.

Witness my hand and the great seal of State, at office in Sacramento, this 3d day of April, A. D. 1878.

[SEAL.]

THOMAS BECK,  
*Secretary of State*  
By WM. A. BECK  
*Deputy*

*Resolved by the senate (the assembly concurring), That our Senators be instructed and our Representatives in Congress requested to use their best efforts to procure the passage of such act or acts as are now pending before Congress as will result in the restoration of Maj. and Bvt. Col. Joseph B. Collins to his former position in the Army of the United States.*

*Resolved, That his excellency the Governor of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress*

JAMES A. JOHNSON,  
*President of the Senate.*  
JAS. E. MURPHY,  
*Speaker pro tem. of the Assembly.*

Passed the senate March 29, A. D. 1878.

R. SHOEMAKER,  
*Secretary of the Senate.*

Passed the assembly March 30, A. D. 1878.

WM. M. ORD,  
*Assistant Clerk of the Assembly.*

This resolution was received by the governor this 30th day of March, 1878.

E. W. MASLIN,  
*Private Secretary of the Governor.*

## LETTERS FROM COMRADES IN ARMS.

CAMP DOUGLASS, UTAH, *February 18, 1876.*

DEAR COLONEL: Hearing that you are making an effort to be reinstated and retired, I take this opportunity to cheerfully testify to your long and faithful service as an officer of the United States Army, particularly to your gallant conduct on the battle-fields of Gaines's Hill, Malvern Hill, and the second battle of Bull Run, where you were wounded. Having served under you as a post commander, I can also testify how well you performed your duties, and I sincerely hope that Congress will give your case a favorable consideration, which it certainly deserves.

Very truly, yours,

DANL. W. BURKE,

*Captain Fourteenth Infantry, Brevet Major, U. S. A.*Col. J. B. COLLINS,  
*Washington, D. C.*DISBURSING OFFICE, FREEDMAN'S BRANCH, A. G. O.,  
*New Orleans, La., February 19, 1876.*

DEAR COLONEL: Yours of the 11th instant is at hand. It gives me pleasure in stating to you that in all my intercourse with you, both personally and officially, your conduct and bearing have always been that of a gentleman and soldier. I served with you in Boston, Mass., during the war, and I know that you were energetic, capable, and attentive to the business intrusted with you by the government. I should think that a word from the State authorities of Massachusetts would be of great service to you, as I know that you gave general satisfaction to the governor and State officers.

I remain, yours truly,

A. H. ARNOLD,  
*Major Sixth Cavalry.*To Col. J. B. COLLINS,  
*Washington, D. C.*BIRMINGHAM, JEFFERSON COUNTY, ALABAMA,  
*February 20, 1876.*

DEAR COLONEL: Your letter of the 7th instant reached me to-day. Being absent from home, I did not get it sooner.

It is with pleasure I say that a more high-minded or courteous gentleman could not be found in the Army, and as commanding officer you were respected by both your officers and men for your strict impartiality and your honorable and fair dealings with all. Being an officer of your command during the years 1865 and 1866, and partially so up to April, 1869, I know that I speak the truth in what I have stated.

I trust, as a reward for your long and tried services, that you will be able to get reinstated in the Army.

With great respect, believe me, colonel, respectfully, your obedient servant,

GEO. H. McLAUGHLIN,  
*Captain, U. S. A. (Retired).*Col. J. B. COLLINS,  
*Paymaster General's Office, Washington, D. C.*FORT FETTERMAN, WYOMING TERRITORY,  
*February 22, 1876.*

DEAR COLONEL: Your favor of the 3d instant has been received. In compliance with your request, it affords me pleasure to state that I served under your command (with the Fourth United States Infantry) during the late war, on the Peninsula, at Harrison's Landing, Va., on the march thence to Falmouth and Bull Run, at the battle of the latter place, where you were wounded and disabled whilst leading the regiment against the rebel lines, August 30, 1862. Saw you on that occasion assisted from the battle-field, having been obliged to relinquish your command. You always bore an excellent reputation for gallantry and other soldierly qualities; in fact, your entire military career, judging from my own observation, and the opinion as expressed by others, was such as to gain you high esteem.

Very truly, your friend,

E. R. GIBSON,  
*Assistant Surgeon, U. S. A.*Col. Jos. B. COLLINS.  
S. Rep. 736—2

MADISON BARRICKS, NEW YORK, *March 14, 1876.*

COLONEL: Your note calling to mind your service in the Army of the Potomac, and in my division in New York city, commanding your regiment, has been received. I remember very well the reputation you had for efficient and gallant service, and I think the government would make a very graceful and just recognition of those services by placing your name upon the list of retired officers.

Yours very sincerely,

R. B. AYRES,

*Lieutenant-Colonel and Brevet Major-General.*

Col. J. B. COLLINS,  
*Late Major U. S. A.*

FORT RILEY, KANS., *February 24, 1876.*

I knew Joseph B. Collins while captain Fourth Infantry, and in command of his regiment at General Grant's headquarters, City Point, Va., in 1864 and 1865. He was then a good and reliable officer, with an excellent military record. I was at that time on duty at headquarters of the Army, and had intimate and official association with Captain Collins.

J. W. MASON,

*Captain Fifth Cavalry.*

FORT BRIDGER, WYOMING, *March 25, 1876.*

DEAR COLONEL: Your letter requesting me to state what I know of your military history has been received, and it is with pleasure that I reply. I first knew you in Washington in 1861 as a captain in the Fourth Infantry at the time I was serving with the regiment as a first lieutenant. We served together in garrison and in the field until the second battle of Bull Run.

At the battle of Gaines's Mill you assumed command of the regiment, made a new and admirable disposition of the line conformable to the accident of the ground, and with distinguished coolness, judgment, and bravery, fought the regiment through one of the bloodiest and most stubbornly-contested battles which it is entitled to proudly bear upon its colors.

At the battle of Malvern Hill your conduct as commanding officer of the regiment was characterized by coolness and good judgment, and your gallantry was conspicuous.

At the second battle of Bull Run you commanded the regiment until you fell from your horse severely wounded, while our line was slowly yielding ground under the pressure of superior numbers.

I can say that the officers and men had confidence in your courage, skill, and ability to command them, and surely it was not misplaced.

Subsequently, when you joined the regiment at City Point, I had the pleasure of serving under your command until the surrender of Lee at Appomattox.

I also served with you at Richmond, Va., and always found you capable and energetic in the discharge of your duties.

Wishing you every success, I have the honor to be

Very truly yours,

W. S. COLLIER,

*Captain Fourth Infantry, Brevet Major, U. S. A.*

Col. J. B. COLLINS, *Washington, D. C.*

GREEN BAY, *October 18, 1876.*

SIR: Col. J. B. Collins is, I learn, an applicant for a clerkship in the Treasury Department. He entered the Army a lieutenant about 1845, and was for some years stationed at this place. He was squeezed out at the consolidation which took place at the close of the war. He is a gentleman whose capacity and integrity cannot be questioned.

Very respectfully, your obedient servant,

T O. HOWE.

The Hon. LOT M. MORRILL.